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State of California
DEPARTMENT OF JUSTICE

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November 13, 2009

Kathleen Mason, President
Tuesday Morning, Inc.
6250 Lyndon B. Johnson Freeway
Dallas, Texas 75240

RE: Lead in Children's Product Purchased at Tuesday Morning (PHT 357)

Dear Ms. Mason:

We just received a report about a children's product purchased in a Tuesday Morning store in San Diego, California that contains illegal levels of lead. The lead levels reported exceed the limits in the federal Consumer Product Safety Improvement Act ("CPSIA"). Furthermore, selling the product without a proper warning likely violates California's Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as "Proposition 65." We are writing to ask that you stop selling the product immediately and take other corrective action as needed.

The children's product is a Barbie Bike Flair Accessory Kit that appears to be manufactured and/or distributed by Bell Sports, Inc. The SKU is 035011875736. It was purchased at a Tuesday Morning Store in San Diego on October 30, 2009. Our internal reference number is PHT 357. Please use it in communications with our office about this. We have enclosed photographs of the product.

The item was purchased by an investigator for the Center for Environmental Health, using a grant from a fund administered by the Public Health Institute. The fund was established through a Proposition 65 settlement between our office and several companies over lead in toys. (*People v. Mattel et al.*, Alameda County Super. Ct., Civ. No. RG 07-356892.) After screening the product for lead, the Center for Environmental Health sent a sample to a federally-approved laboratory for further testing. The test results, which are enclosed, indicate 6,196 parts per million ("ppm") lead in the bag's pink fabric material. This exceeds federal lead limits, which deem a children's product with more than 300 ppm lead in an accessible component a "banned hazardous substance." It also appears to violate Proposition 65, which requires a clear and reasonable warning prior to exposing persons to known carcinogens and reproductive toxins, including lead. (Cal. Health & Saf. Code, § 25249.6; Cal. Code Regs., tit. 27, § 27001.)

Lead is a toxic metal that damages the nervous system and other organs. Even at low levels of exposure, lead can impact brain development in children. Based on what appears to be violations of federal and state law, you should stop selling the product immediately. Additionally, please send us any test results you have and any representations from the manufacturer or supplier about the lead content in the product. Please contact us immediately so we can discuss what further actions your company intends to take.

Sincerely,

HARRISON M. POLLAK
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

Enclosures

cc (via electronic mail): Mark Schoem, Consumer Product Safety Commission

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90130679.doc

Barbie
Barbie
Bike streamers you can wear!
¡Serpentinas para bici que usted puede vestir!
Des rubans pour décorer votre vélo que vous pouvez porter !

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Sale Price $9.99
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Bike Flair Accessory Kit™

CONSUMER INFORMATION
INFORMACIÓN AL CONSUMIDOR
INFORMATIONS AUX CONSOMMATEURS

Bell Sports, Inc.
1924 County Road
3000 North
Rantoul, IL 61866
U.S.A.
Tel: 1-800-456-BELL
www.bellbikestuff.com

PRODUCT: Bike Flair Accessory Kit™
AGE GRADE: Ages 3–7 years.
CONTENTS: Handlebar bag, bell, streamers, bracelet.

PRODUCTO: Bike Flair Accessory Kit™
EDADES: De 3 a 7 años.
CONTENIDO: Bolsa de timón, campana, serpentinas, pulsera.

PRODUIT : Bike Flair Accessory Kit™
ÂGES : Âges de 3 à 7 ans.
CONTENU : Sacoche pour guidon, sonnette, rubans, bracelet.

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No.: 09-013-13564-5
Total Lead Test on Children's Product

Client: Centre for Environmental Health **Address:** 2201 Broadway Suite 302, Oakland, CA 94612, U.S.A	**Contact:** Caroline Cox **Phone:** 510-655-3900 **Fax:** 510-655-9100 **Email:** Caroline@ceh.org
Date Received: November 6, 2009	**Date Reported:** November 11, 2009
Lab Book/Page No.: Lab book 12161, pages 10 to 13	

Date Analyzed: November 10, 2009

Client Sample ID	Description of Tested Sample Parts	Exova Sample ID	Method	Total Lead Content (ppm)
PHT357	Pink fabric with star print of Barbie Bike Flair Accessory Kit	09-13564-38633	CPSC-CH-E1002-08	6196

Analyzed by:

2009-11-11

Jack Li, B.Sc.
Analyst, Trace Metals & Specialty Chemicals
Health Sciences

Reported by:

2009-11-11

Peter Susel, B.Sc., C. Chem.
Mgr, Trace Metals & Specialty Chemicals
Health Sciences

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